
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 635 by Senator Long

AMENDMENT NO. 1

On page 1, delete lines 2, 3, and 4, and insert:

"To amend and reenact R.S. 32:1(1), (10) and (93.1), 2(D) and (E), 3(C), 388(A)(3), the introductory paragraph of (B)(1)(a), (B)(4)(a), (C)(3), (F) and (G), 388.1, 389, 390.23(A), and 392(A)(1), R.S. 36:408(B)(3) and 409(C)(8), R.S. 40:1379.8, and R.S. 47:511.1(B), (C), (D), and (E), 516(A), (B)(2), and (D), 718(B)(1) and (C) and 812(C), and to repeal R.S. 32:1(93) and 2(B) and (C), relative to weights and standards; to transfer"

AMENDMENT NO. 2

On page 1, delete line 14, and insert:

"Section 1. R.S. 32:1(1), (10) and (93.1), 2(D) and (E), 3(C), 388(A)(3), the introductory paragraph of (B)(1)(a), (B)(4)(a), (C)(3), (F) and (G), 388.1, 389, 390.23(A), and 392(A)(1) are"

AMENDMENT NO. 3

On page 2, between lines 2 and 3 insert the following:

"(1) "Authorized emergency vehicle" means a vehicle of a fire department, a vehicle of the department's weights and standards police force, a police vehicle, a privately owned vehicle belonging to members of an organized volunteer fire department or fire district when so designated or authorized by the fire chief of that fire department or fire district, an industrial-owned vehicle assigned to members of a fire department or fire district when so designated or authorized by the fire chief of that fire department or fire district, a vehicle parked or stopped by elevator repair or construction personnel while responding to an elevator emergency, such ambulances and emergency medical response vehicles certified by the Department of Health and Hospitals that are operated by certified ambulance services, and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the secretary of the Department of Transportation and Development or by the chief of police of any incorporated municipality. For purposes of this Section, elevator repair shall be limited to those elevators that move people.

AMENDMENT NO. 4

On page 2, delete lines 19 through 29, and on page 3, delete lines 1 through 16, and insert the following:

"D. The ~~Department of Transportation and Development~~ **department** shall have sole authority over the issuance of special permits as set forth in R.S. 32:387. **The commissioner may facilitate the issuance of permits by the department's truck permit office to place a vehicle or load in compliance with law.**

E. The ~~secretary of the Department of Transportation and Development, through the office of the weights and standards police force,~~ **commissioner** shall provide the personnel and equipment required to fully implement the provisions of ~~R.S. 32:390.23~~ **the Louisiana Truck Center, Part VI-B of Chapter 1 of Title 32**

1 of the Louisiana Revised Statutes, as it relates to the assessment and collection of
 2 fees and taxes of this department. Any money made available and received from
 3 the Federal Highway Administration, or from any other entity for the purpose
 4 of maintaining, improving, or upgrading the stationary or mobile scales shall
 5 be used solely for such purpose. The commissioner shall be responsible for
 6 maintenance of the buildings and grounds and the stationary scales at
 7 stationary scale locations. The department shall be responsible for the
 8 maintenance of the roadways and parking lots at the stationary scale locations."

9 AMENDMENT NO. 5

10 On page 4, between lines 10 and 11, insert the following:

11 "A. * * *

12 (3) Each vehicle that is required to stop at a ~~department stationary~~ weight
 13 enforcement scale location and which fails to stop shall be assessed the following
 14 penalty:
 15 (a) Vehicles with a gross vehicle weight rating of less than twenty-six
 16 thousand pounds shall be ~~fin~~ **penalized** one hundred dollars for failure to stop at
 17 ~~the department stationary a weight scales~~ **scale**. This ~~fine~~ **penalty** shall be in addition
 18 to any other ~~fin~~ **penalties** which may be assessed for other violations.
 19 (b) Vehicles with a gross vehicle weight rating of twenty-six thousand
 20 pounds or more shall be ~~fin~~ **penalized** five hundred dollars for failure to stop at
 21 ~~the department stationary a weight scales~~ **scale**. This ~~fine~~ **penalty** shall be in addition
 22 to any other ~~fin~~ **penalties** which may be assessed for other violations.
 23 (4) Any vehicle which inadvertently bypasses ~~the department stationary~~
 24 weight scales and returns to the scales voluntarily without the assistance of law
 25 enforcement shall not be assessed any penalty for bypassing the ~~scales~~ **scale**.
 26 B.(1)(a) Except as provided in Subparagraphs (b), ~~and~~ (c), ~~and~~ (d), whoever
 27 owns or operates any vehicle or combination of vehicles in violation of any rule,
 28 regulation, directive, or requirement ~~of the secretary~~ adopted under R.S. 32:386 or
 29 in violation of R.S. 32:386 shall be required to reduce the load to the maximum
 30 permissible gross weight and shall be assessed a penalty on such weight which
 31 exceeds the maximum permissible gross weight as defined by R.S. 32:386 or
 32 maximum allowable axle weights, whichever results in the higher fine, in accordance
 33 with the following schedule:

34 * * *

35 (4)(a) Whoever owns any business entity engaged in the sale or shipment of
 36 construction aggregates requiring a ~~weighmaster~~ **weigh master**, not including
 37 asphalt, or transfer sales or shipment from rail, barge, or ship to wholesale stockpiles
 38 or inventories within a five-mile radius of the point where the shipment was
 39 transferred, who violates, or whose driver or contract driver violates any rule,
 40 regulation, directive, or requirement ~~of the secretary~~ adopted under R.S. 32:386 or
 41 violates R.S. 32:386 shall also be assessed a separate penalty for each violation in
 42 accordance with the schedule set forth in **Paragraph Subsection B(1) of this Section**.
 43 However, notwithstanding any other provision of this Chapter or any law to the
 44 contrary, any such business, or ~~weighmaster~~ **weigh master** thereof, who releases a
 45 vehicle that is within the maximum permissible gross weight limitations for travel
 46 on a state highway shall not be assessed any penalty when said vehicle is found in
 47 violation of gross maximum weight limitations while traveling on any interstate
 48 highway. For purposes of enforcing this **Paragraph Subsection**, any weights and
 49 standards ~~and or~~ state policeman having reason to believe that such owner is in
 50 violation of R.S. 32:386 is authorized to enter and go upon, without formal warrant,
 51 any vehicle, stand, place, building, or premises, for the purpose of inspecting only
 52 the shipping ticket or tickets issued in connection with the particular load found in
 53 violation of R.S. 32:386 by ~~the any W~~ **weights and S** standards ~~or state P~~ **policeman**
 54 in order to determine whether such sales at the origin of shipment contain the
 55 amounts represented and are offered for sale or sold in a manner in accordance with
 56 law. The discovery of an overweight vehicle after proper weighing shall constitute
 57 "reason to believe" for purposes of this **Paragraph Subsection**.

1 * * *

2 C. * * *

3 (3) Nothing contained in this Subsection shall authorize the ~~department~~
 4 **commissioner or any weights and standards or state policeman** to assess any
 5 penalty provided for herein for both the failure to possess a required special permit
 6 and for operating a vehicle in violation of R.S. 32:386 when arising out of the same
 7 activity, and to this extent the penalties provided for in this Subsection shall not be
 8 cumulative in nature.

9 AMENDMENT NO. 6

10 On page 5, between lines 1 and 2, insert:

11 "§388.1. Penalties; multiple violations
 12 Whoever owns or drives any vehicle or combination of vehicles in violation
 13 of two or more of the provisions of this Part at any one time shall be assessed the
 14 greater or the greatest of the penalties, in the full amount of the penalty. The
 15 ~~department~~ **commissioner** is hereby authorized to promulgate rules and regulations
 16 to provide that in addition to assessment of the greater or greatest penalty, the owner
 17 or driver shall be assessed a penalty not to exceed ten dollars for each other violation
 18 committed at the same time; however, such rules and regulations shall only be
 19 promulgated provided the Federal Highway Administration initiates official
 20 sanctions which would result in the loss of National Highway System apportionment
 21 or other federal funds should such penalties for multiple violations not be provided.
 22 * * *

23 AMENDMENT NO. 7

24 On page 5, line 20, after "regulations" delete the remainder of the line and delete lines 21
 25 and 22 and insert the following:

26 "adopted pursuant to this"

27 AMENDMENT NO. 8

28 On page 6, delete lines 6 through 29 and delete pages 7, 8, 9 and 10 and insert the following:

29 "C. (1) ~~Whenever any vehicle or combination of vehicles is found in violation~~
 30 ~~of any provision of this Part or any regulation of the department or secretary adopted~~
 31 ~~pursuant thereto, the weights and standards police officer or any state policeman~~
 32 ~~shall take the name and address of the owner and driver and the license number of~~
 33 ~~the vehicle and shall issue a violation ticket assessing a penalty for such violation in~~
 34 ~~accordance with R.S. 32:388.~~
 35 (2) ~~Upon issuance of the violation ticket, an owner or driver who is a resident~~
 36 ~~of Louisiana or who has a domicile in Louisiana shall receive notification from the~~
 37 ~~weights and standards stationary scale police officer that the penalty shall be paid~~
 38 ~~within thirty days of issuance of the violation ticket or that the owner or driver may~~
 39 ~~request an agency review of the penalty within thirty days of issuance of the~~
 40 ~~violation ticket. An owner or driver who is not a resident of Louisiana or who does~~
 41 ~~not have a domicile in Louisiana shall receive notification from the weights and~~
 42 ~~standards stationary scale police officer that the penalty shall either be paid at the~~
 43 ~~time the violation ticket is issued or he shall post a bond equal to the amount of the~~
 44 ~~penalty, which bond shall be forfeited if, within thirty days of issuance of the~~
 45 ~~violation ticket, the penalty has not been paid or an agency review has not been~~
 46 ~~requested. The owner or driver shall pay the penalty assessed with certified check,~~
 47 ~~cashier's check, money order, or department-approved credit card. The secretary may~~
 48 ~~establish credit accounts for violators, if each violator provides the department a cash~~
 49 ~~deposit in the minimum amount of five thousand dollars or any amount in excess~~
 50 ~~thereof fixed by the secretary to guarantee payment of said account. The department~~
 51 ~~shall not detain or impound any vehicle issued a violation ticket for any violation of~~
 52 ~~the provisions of R.S. 32:380 through 387 prior to the final disposition of the~~
 53 ~~violation ticket if the owner or driver is a resident of Louisiana or has a domicile in~~

1 Louisiana, or has paid the penalty or posted the bond in accordance with this Section.
 2 For purposes of this Section, "final disposition" shall be defined as a final conviction,
 3 not capable of appeal or review.

4 (3)(a) If a driver of a motor vehicle who is a resident of Louisiana or who has
 5 a domicile in Louisiana is determined to be the responsible party for the violation
 6 ticket by the Department of Transportation and Development or the office of state
 7 police, the driver shall be responsible for the payment of all fines and fees associated
 8 with issuance of the violation ticket. If the department or the office of state police
 9 fails to receive payment of the violation ticket within sixty calendar days of issuance
 10 of the violation ticket or within sixty calendar days of receiving a notice of final
 11 judgment from the agency or administrative review, the department or the office of
 12 state police shall transmit the driver's license number to the office of motor vehicles.
 13 Upon receipt of the driver's license number, the office of motor vehicles shall
 14 immediately notify the driver, by first class mail, that his driver's license shall be
 15 suspended thirty calendar days after the date of mailing the notice unless all fines
 16 and fees associated with the violation ticket are paid in full together with notice of
 17 the imposition of a fifty-dollar fee by the office of motor vehicles to cover its
 18 administrative costs. Upon payment of all fines and fees associated with the violation
 19 ticket, the office of motor vehicles shall immediately authorize the reinstatement of
 20 the driver's license.

21 (b) If a motor carrier is determined by the Department of Transportation and
 22 Development or the office of state police to be the responsible party for a violation
 23 ticket, and if such party fails to pay the assessed penalty within sixty calendar days
 24 of receiving the violation ticket or within sixty calendar days of receiving a notice
 25 of final judgment from the agency or administrative review, the department or the
 26 office of state police shall transmit the vehicle identification number of the offending
 27 vehicle for which the violation ticket was issued to the office of motor vehicles. The
 28 office of motor vehicles shall not renew the registration of the offending vehicle until
 29 all fines and fees associated with the violation ticket are paid in full. Upon payment
 30 of all fines and fees associated with the violation ticket, the office of motor vehicles
 31 shall immediately authorize renewal of the vehicle's registration. The Department of
 32 Transportation and Development and the office of state police shall adopt rules and
 33 regulations in accordance with the Administrative Procedure Act, subject to
 34 oversight by the House and Senate Committees on Transportation, Highways and
 35 Public Works, as are necessary to implement the provisions of this Subparagraph.

36 (c) The Department of Transportation and Development and the office of
 37 state police shall be prohibited from seizing the registration license plate of a motor
 38 vehicle for failing to pay a fine for a violation ticket.

39 (4)(a) Any owner or driver who pays an assessed penalty in accordance with
 40 the provisions of this Section shall have a period of ninety days after the date of
 41 payment to institute a civil suit against the department to recover the penalty so paid.
 42 However, the ninety-day time period to institute a civil suit against the department
 43 shall be suspended for any owner or driver who timely requests an agency review in
 44 accordance with the provisions of this Section, in which case the owner or driver
 45 shall have a period of ninety days after the final disposition of the agency review to
 46 institute a civil suit against the department to recover the penalty so paid.

47 (b) The right to sue for recovery of a penalty paid shall afford a legal remedy
 48 and right of action in any state district court for a full and complete adjudication of
 49 any questions arising in the enforcement of a penalty respecting the legality of any
 50 penalty assessed or the method of enforcement thereof. Any such suit may be
 51 instituted either in the parish in which the violation occurred, the domicile of
 52 vehicles, provided the domicile is within the state of Louisiana, or in East Baton
 53 Rouge Parish. In any such suit, service of process shall be made on the department,
 54 through the secretary. The department shall be a necessary and proper party
 55 defendant in any such suit.

56 (5) No court of this state shall issue any process whatsoever to restrain the
 57 collection of any penalty assessed by the department pursuant to this Part.

58 (6) If upon expiration of the ninety-day period provided in Paragraph (4)(a)
 59 of this Subsection any penalty assessed remains unpaid, the department may institute
 60 a civil suit in the parish in which the violation occurred or in the domicile of the
 61 owner or driver to collect any penalty assessed but unpaid. The department shall

1 have one year from the date of expiration of the ninety-day period to institute such
2 a suit.

3 (7) Notwithstanding the above provisions, any member of the armed forces,
4 who is in uniform or presents an order for duty and who is operating a military
5 vehicle in the line of duty in violation of any provision of R.S. 32:380 through R.S.
6 32:387 or any regulation of the department or secretary adopted pursuant thereto
7 shall not be required to pay the penalty assessed, nor shall he be required to surrender
8 his Louisiana driver's license. However, the owner of the vehicle or the federal
9 government shall pay the penalty within thirty days.

10 (8) Failure of any vehicle or combination of vehicles to stop at a weigh
11 facility may be excused if stopping the vehicle or combination of vehicles would
12 create a serious traffic hazard. The Department of Transportation and Development
13 shall promulgate rules under the provisions of the Administrative Procedure Act for
14 the implementation of this Paragraph. Such rules shall define "serious traffic hazard"
15 and shall authorize the use of green traffic signal lights to allow vehicles to pass the
16 weigh facility at such times as vehicles have accumulated on the entrance ramp to
17 the weigh facility to the extent that the vehicles present a traffic hazard. Rules
18 adopted hereunder shall be subject to oversight by the House and Senate Committees
19 on Transportation, Highways and Public Works.

20 D.(1) The secretary shall establish a procedure for agency review of violation
21 tickets issued by weights and standards stationary scale police officers and may take
22 appropriate actions based on the findings of the agency's review. The secretary shall
23 adopt rules in accordance with the Administrative Procedure Act to govern agency
24 review and any actions taken based on the findings of the agency.

25 (2) Following conclusion of the agency's review, the operator or responsible
26 party issued the violation ticket by the weights and standards stationary scale police
27 officer may request a hearing conducted by a review panel comprised of five
28 members. One member of the review panel shall be appointed by the secretary of the
29 Department of Transportation and Development, two members shall be appointed
30 by the chairman of the House Transportation, Highways and Public Works
31 Committee, and two members shall be appointed by the chairman of the Senate
32 Transportation, Highways and Public Works Committee. Decisions of the review
33 panel shall be binding upon the Department of Transportation and Development. The
34 secretary shall adopt rules and regulations in accordance with the Administrative
35 Procedure Act regarding the hearing conducted by the review panel including but not
36 limited to rules and regulations regarding the notification and procedure for
37 requesting a hearing by the review panel and deadlines for request for a hearing
38 before the review panel.

39 **Whenever any carrier, common carrier, contract carrier, private carrier,**
40 **transport vehicle, or driver is found in violation of any provision of this**
41 **Chapter, commissioner shall send the responsible party a "Notice of Violation,**
42 **Proposed Finding and Proposed Civil Penalty", hereafter referred to as a**
43 **"notice of violation", within thirty calendar days of the violation.**

44 **(2)(a) Each notice of violation shall clearly indicate if a monetary**
45 **penalty is assessed for the violation or if the notice of violation is only a warning.**
46 **When a monetary penalty is assessed, each notice of violation shall be sent to**
47 **the responsible party by certificate of mailing. Such notice of violation shall**
48 **also contain notice that the responsible party shall have forty-five calendar days**
49 **from the date of issuance of the notice of violation to either pay the monetary**
50 **penalty for the violation or to request, in writing, an administrative hearing to**
51 **review the notice of violation. When the amount of the civil penalty is negotiated**
52 **between the commissioner and the responsible party, the commissioner shall**
53 **send written notification to the responsible party of the amount of the**
54 **negotiated civil penalty within thirty calendar days of the date of the final**
55 **negotiation. Such payment shall be made by certified check, money order, or**
56 **credit card. If made by credit card, the payment shall be deemed received by**
57 **the commissioner when tendered and an approval code is obtained from the**
58 **credit card company or credit card processor.**

59 **(b) The commissioner shall adopt rules and regulations in accordance**
60 **with the Administrative Procedure Act, subject to oversight by the House and**
61 **Senate committees on transportation, highways and public works as are**
62 **necessary regarding the administrative hearing, including but not limited to**

rules and regulations regarding notification and the procedure for requesting a hearing provided such rules shall not conflict with the provisions of R.S. 32:388.1.

(3) If the commissioner fails to issue the notice of violation to the responsible party within thirty calendar days of the violation in accordance with the provisions of this Section, the violation shall be dismissed. However, the commissioner shall be granted an additional sixty calendar days to send the responsible party a notice of violation in accordance with the provisions of this Section if he experiences a data system failure caused by either an act of God or an intentional act of sabotage.

(4) Any appeal of the findings of the administrative law judge shall be filed in a state district court with proper venue over the matter.

D.(1) If a carrier is determined to be the responsible party for a notice of violation by the commissioner and, if such carrier fails to pay the assessed penalty within forty-five calendar days of issuance of the notice of violation, or in the case of an administrative hearing, the responsible party fails to pay the assessed fine within thirty calendar days of receiving a notice of final judgment from the administrative law judge, the outstanding penalty amount shall be posted on the commissioner's official web site. The outstanding penalty amount for such responsible party shall continue to appear on the web site until all fines and fees are paid in full. The commissioner shall transmit the vehicle identification number of the offending vehicle for which the notice of violation was written to the office of motor vehicles. The office of motor vehicles shall not renew the registration of the offending vehicle until all fines and fees associated with the notice of violation have been paid in full. Within seven calendar days of receiving documentation from the responsible party that all fines and fees have been paid in full, the commissioner shall remove the posting of the notice of violation from his web site. Additionally, upon payment of all fines and fees associated with the notice of violation, the office of motor vehicles shall immediately authorize renewal of the vehicle's registration. Such payment shall be made by certified check, money order, or credit card. If made by credit card, the payment shall be deemed received by the commissioner when tendered and an approval code is obtained from the credit card company or credit card processor.

(2) If the driver of a motor vehicle is found to be the responsible party for a notice of violation by the commissioner, the driver shall be responsible for the payment of all fines and fees associated with issuance of the notice of violation. Such payment shall be made by certified check, money order, or credit card. If made by credit card, the payment shall be deemed received by the commissioner when tendered and an approval code is obtained from the credit card company or credit card processor. If the commissioner fails to receive payment within forty-five calendar days of issuance of the notice of violation, or in the case of an administrative hearing, the responsible party fails to pay the assessed penalty within thirty calendar days of receiving a notice of final judgment from the administrative law judge, the commissioner shall transmit the driver's license number to the office of motor vehicles. Upon receipt of the driver's license number, the office of motor vehicles shall immediately notify the driver, by first class mail, that his driver's license shall be suspended thirty calendar days after the date of mailing the notice unless all fines and fees associated with the notice of violation or final judgment from the administrative law judge are paid in full together with notice of the imposition of a fifty-dollar fee by the office of motor vehicles to cover its administrative costs. The driver's license shall remain suspended until all fines and fees associated with the notice of violation or final judgment from the administrative law judge and the fifty-dollar fee for the office of motor vehicles are paid in full. Upon payment of all fines and fees, the office of motor vehicles shall immediately authorize the reinstatement of the driver's license.

(3) Motor carriers shall not be responsible for driver violations.

E.(1) The commissioner and any law enforcement officer working for the commissioner shall be prohibited from seizing a motor vehicle or the registration license plate of a motor vehicle for failing to pay a fine for a notice of violation.

(2) In the event a motor vehicle for which a notice of violation has been issued is subsequently sold, the new owner of such vehicle shall not be responsible for any outstanding fines or fees associated with a notice of violation. The new owner of the motor vehicle shall present proper documentation to the commissioner evidencing the lawful transfer of ownership.

F. During a state of emergency declared by the governor, the commissioner shall be granted an additional sixty calendar days to send the responsible party a notice of violation in accordance with the provisions of this Section. Such extension of time shall terminate not later than sixty days from the date the state of emergency ends.

G. Notwithstanding the provisions of this Section, any member of the armed forces, who is in uniform or presents an order for duty and who is operating a military vehicle in the line of duty in violation of any provision of R.S. 32:380 through R.S. 32:387, or any regulation adopted pursuant thereto, shall not be required to pay the penalty assessed, nor shall such member be required to surrender his Louisiana driver's license. However, the owner of the vehicle or the federal government shall pay the penalty within thirty days.

H. The failure of any vehicle or combination of vehicles to stop at a weigh facility may be excused if stopping the vehicle or combination of vehicles creates a serious traffic hazard. The commissioner shall promulgate rules under the provisions of the Administrative Procedure Act to implement the provisions of this Subsection. Such rules shall define "serious traffic hazard" and shall authorize the use of green traffic signal lights to allow vehicles to pass the weigh facility at such times as vehicles have accumulated on the entrance ramp to the weigh facility to the extent that the vehicles present a traffic hazard. Rules previously adopted by the department shall remain in full force and effect until such time as the commissioner promulgates rules pursuant to this Subsection. Rules adopted hereunder shall be subject to oversight by the House and Senate committees on transportation, highways and public works.

* * *

§390.23. Agency representatives

A. Located within the truck center shall be representatives of the following agencies:

- (1) The Public Service Commission.
- (2) The Department of Public Safety and Corrections, public safety services.
- (3) The Department of Revenue.
- (4) The Department of Transportation and Development, ~~office of weights and standards.~~

* * *

§392. Impounding of vehicles; prohibitions

A.(1) Upon discovery of any vehicle operated in violation of this Chapter, the vehicle shall not be impounded but shall be directed to and followed by the weights and standards police officer or state policeman to the nearest appropriate place suitable for unloading to its licensed gross weight or maximum size requirements as provided in this Chapter and storage of said product to preserve it for its intended use in commerce and in either case shall be detained or unloaded at the expense and responsibility of the owner or driver. The ~~department~~ **commissioner** shall not detain or impound any vehicle issued a violation ticket for any violation of the provisions of R.S. 32:380 through 387 prior to the final disposition of the violation ticket if the owner or driver is a resident of Louisiana or has a domicile in Louisiana, or has paid the penalty or posted the bond in accordance with the provisions of R.S. 32:389(C). For purposes of this Section, "final disposition" shall be defined as a final conviction, not capable of appeal or review.

* * *"

AMENDMENT NO. 9

On page 12, line 11, after "47:" insert "511.1(B), (C), (D) and (E), 516(A), (B)(2) and (D),"

AMENDMENT NO. 10

On page 12, between lines 12 and 13, insert the following:

"§511.1. Temporary permits

* * *

B. ~~The Weights and Standards Police Force of the Department of Transportation and Development~~ is hereby authorized and empowered to issue temporary permits on behalf of the commissioner and to enforce the provisions of this Section.

C. If upon inspecting a vehicle or combination of vehicles it is found that it has no temporary permit, the weights and standards police officer or other enforcement officer of the ~~Department of Public Safety~~ **commissioner** may impound the vehicle and may require the operator to purchase forthwith a temporary permit. Two hundred dollars shall be added to the cost of purchasing a temporary permit as a penalty.

D. Payments for penalties under this Section shall be remitted to the Department of Transportation and Development **commissioner. Such payment shall be made by certified check, money order, or credit card. If payment is made by credit card, the payment shall be deemed received by the commissioner when tendered and an approval code is obtained from the credit card company or credit card processor.**

E. All of such penalties collected by the ~~secretary of the Department of Transportation and Development~~ **commissioner** shall be paid into the state treasury on or before the twenty-fifth day of each month following their collection and, in accordance with Article VII, Section 9 of the constitution shall be credited to the Bond Security and Redemption Fund. **However, after a sufficient amount of the penalties collected by the commissioner is allocated from the fund to pay all obligations secured by the full faith and credit of the state within any fiscal year, the treasurer shall pay an amount equal to the penalties paid into the Bond Security and Redemption Fund pursuant to the provisions of this Subsection into the Transportation Trust Fund created under Article VII, Section 27 of the Constitution of Louisiana.**

* * *

§516. Vehicles improperly licensed; weighing, inspections and investigations; purchase of proper license required; penalty

A. The commissioner, ~~motor vehicle bureau enforcement officers or the division of state police,~~ weights and standards police officers, of the Department of Transportation and Development or other proper legal authority, shall have the right and power at any time and place to investigate, in any lawful manner, and inspect, at any time and place, any vehicle, with respect to its registration, license, tax payment or other manner or thing contemplated by or provided for in this Chapter. To that end the commissioner may select, appoint or designate inspectors, acquire the necessary scales or other equipment incident to their functioning, and where necessary may cause the owner or driver of any vehicle to move the same or cause it to be moved, forthwith, to the nearest scales available in the direction of destination.

* * *

(2) Twenty-five percent of the annual price of the license or registration shall be added to the cost of purchasing the same as a penalty, which shall be in lieu of the penalties directed to be imposed by R.S. 47:508. There shall be credited against the price of this license or registration the price of the license or registration on the vehicle at the time of its unlawful operation. However, in lieu of impoundment and immediate purchase of license and registration, a ~~Department of Transportation and Development~~ stationary weights and standards enforcement police officer may issue a violation ticket in the amount of seventy-five dollars, in addition to any overweight penalties due as provided by R.S. 32:388, to any operator possessed of an improper Louisiana license and registration.

* * *

D. Whoever violates his promise to appear, purchase license plate and registration and pay any penalty assessed under Subsections B and C of this section shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than ninety days, or both, and the driver's license or

license plate shall be forwarded to the ~~Department of Public Safety~~ commissioner
for suspension, revocation, and cancellation.

* * *

AMENDMENT NO. 11

On page 13, line 21, change "R.S. 32:2(E) is" to "R.S. 32:1(93) and 2(B) and (C) are"

AMENDMENT NO. 12

On page 13, delete lines 22 through 29 and on page 14, delete lines 1 through 3 and insert the following:

"Section 6. The items which are currently necessary to the duties and responsibilities currently performed by the Department of Transportation and Development for carrying out the functions, duties, and responsibilities of the previously constituted Weights and Standards stationary scales police force are transferred to the Department of Public Safety and Corrections, public safety services. Said transfer of items shall not include the building and property located at 1404 East Highway Drive, Baton Rouge, LA 70802."

AMENDMENT NO. 13

On page 15, line 5, after "Corrections" insert:

"and the Louisiana State Law Institute shall make the necessary statutory changes in order to comply with the provisions of this Section"

AMENDMENT NO. 14

On page 15, between lines 10 and 11 insert the following:

"Section 14. The Department of Transportation and Development and the Department of Public Safety and Corrections, public safety services, shall report benchmark data annually to the House and Senate Committees on Transportation, Highways, and Public Works in order to measure the effectiveness and efficiency of the transfer of the fixed-site scale responsibilities from the Department of Transportation and Development to the Department of Public Safety and Corrections, public safety services. Such report shall include any and all benchmark data including but not limited to the number of employees, expenditures, the number and dollar value of violations issued, the number and dollar value of penalties collected and deposited into the state treasury, and appropriations by the legislature to the Department of Public Safety and Corrections, public safety services, to perform such transferred function either by direct appropriation or interagency transfer. The report shall also reflect whether or not the transfer of the fixed-site scale responsibilities from the Department of Transportation and Development to the Department of Public Safety and Corrections, public safety services, achieves a savings of at least twenty-five percent in the second year through the consolidation of the responsibilities as directed by the Commission on Streamlining Government. The first report shall be presented not later than September 1, 2010, which report shall include a base benchmark data set as of the effective date of Senate Bill 635 of the 2010 Regular Session of the Louisiana Legislature. Thereafter, the report shall be presented annually not later than September 1, 2011, and not later than September 1 of each fiscal year thereafter."

AMENDMENT NO. 15

On page 15, line 11, after "Section" change "14" to "15".